

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: FOSAMAX (ALENDRONATE SODIUM)  
PRODUCTS LIABILITY LITIGATION (NO. II)**

MDL No. 2243

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO-5)**

On May 23, 2011, the Panel transferred 10 civil action(s) to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* F.Supp.2d (J.P.M.L. 2011). Since that time, 10 additional action(s) have been transferred to the District of New Jersey. With the consent of that court, all such actions have been assigned to the Honorable Garrett E Brown, Jr.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Brown.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. §1407 to the District of New Jersey for the reasons stated in the order of May 23, 2011, and, with the consent of that court, assigned to the Honorable Garrett E Brown, Jr.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on file in my office.  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
WILLIAM T. WALSH, CLERK  
By [Signature]  
Deputy Clerk

FOR THE PANEL:

[Signature]

Jeffery N. Lüthi  
Clerk of the Panel

**IN RE: FOSAMAX (ALENDRONATE SODIUM)  
PRODUCTS LIABILITY LITIGATION (NO. II)**

MDL No. 2243

**SCHEDULE CTO-5 – TAG-ALONG ACTIONS**

<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A.NO.</u></b>	<b><u>CASE CAPTION</u></b>
NEBRASKA			
NE	8	11-00223	Zessin et al v. Merck &Co., Inc.
NE	8	11-00224	Zessin et al v. Merck &Co., Inc.